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Via email

Laurel Prevetti
Planning Department
City of San Jose

RE: The bearing of PD13-039 on the Alviso Master Plan

Dear Ms. Prevetti:

I trust that all planners reviewing projects in Alviso are familiar with the Alviso Master Plan. It is incorporated, by reference, within the Envision San Jose 2040 Master plan as the definition of allowable types of development within Alviso. Below are some of the more noteworthy ways in which the 11/1/2013 plan set for project PD13-039 is out of compliance with the Alviso Master Plan.

I refer below to the Alviso Master Plan, Land Use Plan section, Design Guidelines subsection, Lands Outside of the Village Area subsection, Guidelines for Industrial Development subsection (beginning of page 62):

1. Issues ...

a positive relationship needs to be established at the edges between industrial and non-industrial uses. This can be achieved by: ...

- ***Locating any activity that potentially generates noise, dust, traffic, the use of hazardous materials, or has other nuisance or safety effects as far as possible from residential, school, and park uses; ...***
- ***Limit[ing] hours of operation for any activities that may be considered a nuisance.***

Whereas the plan set calls for some office buildings and some manufacturing buildings, it is out of compliance with the Alviso Master Plan in that the manufacturing buildings, which are likely to generate noise or other nuisance effects, are located as close, rather than as far as possible from the homes, school, and park.

Furthermore, there is a greater likelihood that a future manufacturing tenant than a future office tenant would want to operate a nuisance activity at late hours. Therefore, placing the manufacturing buildings as close as possible to the homes, school, and park creates a higher likelihood of future contention between residents and the tenant of the manufacturing buildings than if the manufacturing buildings were located as far as possible from the homes, school, and park.

7. Orientation of Truck Docks and Service Areas

*A. **Loading** and service areas **should generally be located behind buildings**, visually screened from public roadways by buildings, walls, and/or landscaping*

*B. **Primary consideration should be given to adjoining land use in locating storage and loading areas.***

Since buildings have one front, two sides, and only one behind, it is impermissible to have a building with loading docks on more than one side of the building. The plan set is out of compliance with the Alviso Master Plan in that it places loading docks along two opposing sides of each hi-tech manufacturing building.

Since primary consideration is to be given to adjoining land uses, compliance with the Alviso Master Plan requires that the one side of each building to have loading docks be the side facing away from the nearest street. This is particularly true for Grand Blvd, Tony P. Santos St, and Wilson Way for the streets across which are homes, the school, and the park.

Most people would agree that schools, parks, and homes are more sacred than business properties. An earlier plan set for this project included six manufacturing buildings. At one point the four buildings closest to the adjoining business property owners were changed from manufacturing to office buildings. If a project is to be proposed with a mix of office and manufacturing buildings it is only fair that the office buildings be located closer to the school, park, and homes and that the manufacturing buildings be located further away near the adjoining business properties. Should residents be denied such fairness, at least the hi-tech manufacturing buildings should be built with truck docks along only one side of the buildings and particularly, the side of the building facing away from the homes, school, and park.

Furthermore, I have been told that the applicant has asserted that their plans call for significantly fewer than 120 loading docks because they will install some "9'-0" x 10'-0" sectional overhead doors" and some "9'-0" x 10'-0" configuration in tilt-up concrete panel for future overhead door installation" in symmetrical wall spaces. This strikes me as disingenuous. There are approximately 120 such wall spaces in the plan, all with platforms at the height of trucks. Though a future tenant might be legally required to apply for a permit to replace the tilt-up concrete panels with overhead doors, it seems likely that future tenants would. Therefore, the environmental impact of the 11/1/2013 plan set for PD13-039 should be evaluated with the assumption that the building will accommodate the simultaneous loading of approximately 120 trucks, which would create nuisances not considered in the Cisco EIR.

For the reasons given above, the 11/1/2013 plan set for project PD13-039 is not in compliance with the Alviso master plan and should be denied a permit.

Regards,

Jonah Probell

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